

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRY WILSON,

Plaintiff,
v. CASE NO. 14-CV-12024
HON. GEORGE CARAM STEEH

ALLEN, Lt., HILL, CHAPPELL,
STEWART, Warden,
COUNDENY, and PUSCHEE,

Defendants.

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ORDER ACCEPTING MAGISTRATE JUDGE'S
RECOMMENDATION OF DISMISSAL (DOC. #8) AND DENYING
AS MOOT PLAINTIFF'S REQUEST FOR COUNSEL (DOC. #7)

Before the court is Magistrate Judge Morris's recommendation to dismiss plaintiff's case for failure to state a claim. Also pending is plaintiff's request for the court to appoint emergency counsel.

The court has authority to dismiss prisoner suits for failure to state a claim upon which relief can be granted under 28 U.S.C. § 1915A, 28 U.S.C. § 1915(e), and 42 U.S.C. § 1997e(c)(1). A plaintiff will be considered to have failed to state a claim if the complaint does not plead "enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 547, 127 S. Ct. 1955, 1960, 167 L. Ed. 2d 929 (2007). Plaintiff's complaint is comprised of conclusory claims that the named defendants "collectively and separately showed a total disregard for Plaintiff's medical issues." (Doc. #1 at 3). A valid civil rights claim must state a specific injury that is causally linked to a particular defendant's actions. *Rizzo v. Goode*, 423 U.S. 362, 96 S. Ct. 598, 600, 46 L. Ed. 2d 561 (1976). The only allegation that comes close to being

specific is plaintiff's claim against the "office" of Warden Stewart, but this assertion fails to state a claim because plaintiff does not allege that Warden Stewart personally violated constitutional rights of the plaintiff and there is no vicarious liability under § 1983. *Greene v. Barber*, 310 F.3d 889, 899 (6th Cir. 2002).

As referenced above, the magistrate has recommended that the court sua sponte dismiss plaintiff's complaint. Pursuant to Rule 72(b)(2) of the Federal Rules of Civil Procedure, plaintiff had fourteen days after being served a copy of the recommendation of dismissal to file objections. Plaintiff has failed to file any objections, therefore waiving any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed.2d 435 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The court hereby accepts the recommendation of the magistrate to dismiss plaintiff's complaint. Plaintiff's complaint is hereby DISMISSED in its entirety. Accordingly, plaintiff's motion for the appointment of counsel is hereby DENIED AS MOOT.

IT IS SO ORDERED.

Dated: July 21, 2014

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 21, 2014, by electronic and/or ordinary mail and also on Terry Wilson #145117, Detroit Reentry Center, 17600 Ryan Road, Detroit, MI 48212.

s/Barbara Radke
Deputy Clerk